

ELEVENTH DAY

(Wednesday, January 25, 1939)

The House met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hardeman
Allen	Hardin
Allison	Harp
Alsup	Harper
Anderson	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker of Grayson	Harris
Blankenship	Hartzog
Bond	Heflin
Boyd	Holland
Boyer	Howard
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Burney	Kerr
Cauthorn	Kersey
Celaya	Kinard
Chambers	King
Clark	Langdon
Cleveland	Lehman
Cockrell	Leonard
Coleman	Leyendecker
Colquitt	Little
Colson, Mrs.	Lock
Cornett	Loggins
Corry	London
Crossley	Mays
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McFarland
Derden	McMurry
Dickson	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Dwyer	Montgomery
Faulkner	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Olsen
Galbreath	Pace
Gilmer	Petsch
Goodman	Pevehouse
Gordon, Mrs.	Piner
Hale	Pope
Hamilton	Ragsdale
Hankamer	Reader of Bexar

Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vale
Russell	Vint
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Wells
Smith of Frio	Westbrook
Smith of Hopkins	White
Smith	Wilson
of Matagorda	Winfree
Spencer	Wood
Stinson	Worley
Stoll	Wright

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, Thou art the God of men and of Nations. We pray Thy blessing upon our country and its officers, and upon our State and its leaders. May we have wisdom rightly to administer Thy bounties and to live righteously before Thee. Grant to heal our backslidings and to direct our activities. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Bell for today, on motion of Mr. Thornberry.

Mr. Baker of Fort Bend for today, on motion of Mr. Harper.

The following Member was granted leave of absence on account of illness:

Mr. Dowell for today, on motion of Mr. Morris.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Taylor, Mr. Hartzog, Mr. Kinard, Mr. Waggoner, Mr. Hardin, Mr. Mays, Mr. Harrell of Bastrop,

Mr. Broadfoot, Mr. Roberts, Mr. Vint, Mr. Leonard, Mr. Winfree and Mr. Burkett:

H. B. No. 244, A bill to be entitled "An Act amending Article 1676, Chapter 2, Title 34, Revised Civil Statutes of Texas, 1925, by adding thereto a new Article to be known as Article 1676b; defining certain words, terms, and phrases for the purposes of this Act, including 'political subdivisions;' providing that the governing body of any political subdivision of this State shall prepare or cause to be prepared semi-annually a report of all transactions during each half of each year, concerning the finances of such political subdivision; providing that the governing body of each political subdivision shall examine, correct, and approve such reports to be published in a newspaper; providing the time and manner in which such reports shall be prepared, examined, corrected, approved, and published, and the subject matter of such reports; providing the manner in which newspapers shall be compensated for publishing such reports; outlining duty of officers, officials, and employees in preparation of such reports; repealing all laws in conflict herewith; providing that if any portion of this law shall be held unconstitutional that the remainder of the law shall remain in full force and effect; providing penalties for the violation or failure of any official, officer, or employee to comply with the provisions of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hankamer:

H. B. No. 245, A bill to be entitled "An Act to protect the people from tuberculosis, to provide for the care, treatment, isolation and hospitalization of persons afflicted therewith, to provide for the commitment of certain persons afflicted with tuberculosis, to provide for their care, custody and discharge, and to prescribe penalties for violation of this Act; giving to each county in the State of Texas, or a combination of such counties, acting by and through its County Commissioners' authority to raise by taxation, within provided limitations, necessary funds for the purpose of constructing, obtaining, equipping, or acquiring and maintaining a county hospital or sanatorium, for the treat-

ment of tuberculosis, inserting saving clause; providing that this Act shall be cumulative of all existing laws on the subject, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hankamer:

H. B. No. 246, A bill to be entitled "An Act to protect the people from tuberculosis, to provide for the care, treatment, isolation and hospitalization of persons afflicted therewith, to provide for the commitment of certain persons afflicted with tuberculosis, to provide for their care, custody and discharge, and to prescribe penalties for the violation of this Act, inserting saving clause; providing that the provisions of this Act shall be cumulative of existing laws on the subject and shall govern and control when in conflict with any existing law or laws, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Ragsdale, Mr. Donaghey, Mr. Vale, Mr. Winfree, Mr. Johnson of Tarrant, Mr. Bell, Mr. Bridgers, Mr. Leyendecker and Mr. Hartzog:

H. B. No. 247, A bill to be entitled "An Act creating The Texas Horse Racing Commission, prescribing the number of members thereof, defining their qualifications, fixing their terms and method of qualification, requiring the members to serve without compensation other than necessary expenses, defining the powers and jurisdiction of the Commission, fixing the places of meeting, directing the employment of an executive secretary and other necessary employees, and limiting their compensation, and providing for payment of expenses of the Commission out of the special fund created by the Act and limiting expenses of the Commission to \$30,000.00 annually; permitting horse race meetings and operation of pari-mutuel pools in connection therewith only under license of Commission, and prescribing steps to obtain license as follows: (1) application for permit, (2) form of application and conditions and requisites to issuance of permit subject to approval of qualified voters in county wherein track located, (3) election in county where track located for approval or rejection of permit and method and manner of holding such elections, (4) issuance

of approved permit by Commission where election in county wherein track located favorable thereto but not otherwise, such permit to be for 10 years but subject to revocation, (5) issuance of annual license to holders of approved permits and providing method of obtaining license and fixing license fees, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Kinard, Mr. Riviere and Mr. Nicholson:

H. B. No. 248, A bill to be entitled "An Act regulating and prescribing limitations for all printing for the State of Texas and political subdivisions thereof; establishing the requirements of responsible bidders; prescribing penalties for the violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Public Printing.

By Mr. Keith, Mr. Thornberry, Mr. Baker of Fort Bend and Mr. Harper:

H. B. No. 249, A bill to be entitled "An Act concerning the liquidation, rehabilitation, reorganization or conservation of insurers doing business in more than one State, and placing same under the Board of Insurance Commissioners; providing for the appointment of a liquidator by the Board of Insurance Commissioners; defining certain words and phrases used in this Act; providing for the appointment of a liquidator of the Board as receiver for an insurer and outlining his duties as such receiver; providing for ancillary delinquency proceedings and providing method of filing claims of resident and non-resident claimants, outlining priority of various types of claims; defining powers of receivers and ancillary receivers, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Keith, Mr. Baker of Grayson and Mr. Harper:

H. B. No. 250, A bill to be entitled "An Act amending Section 2 of House Bill No. 32, Chapter 23, page 151, Acts of the Forty-first Legislature, Fifth Called Session, providing that corporations, authorized to do business in Texas may register motor vehicles,

trailers, or semi-trailers, in the county in which the present office of such corporation is maintained, or in any county in which such corporation maintains a bona fide agency, or in which, or through which, it may operate such motor vehicle, trailer or semi-trailer; declaring all motor vehicle, registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any Tax Assessor-Collector, Tax Collector or other officer to sell, transfer, convey, or otherwise deliver, any registration or license plate for any consideration, other than the full value thereof, paid in lawful money; declaring that any violation of the provisions of this Act shall constitute a misdemeanor, and prescribing the punishment therefor upon conviction; fixing venue of such prosecutions in Travis County, Texas; declaring the terms of this Act to be severable; repealing all laws in conflict; providing for the continuance of all prosecutions under prior law, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Spencer:

H. B. No. 251, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand five hundred and eighty-three (30,583), and not more than thirty thousand six hundred (30,600) according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official County Court Reporter of the County Court; to define and prescribe the duties of such Court Reporter, and fix the compensation and tenure of office, prescribing the fund from which the salary is to be paid and prescribing the taxing of costs in civil suits in which answer is filed, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Davis of Jasper:

H. B. No. 252, A bill to be entitled "An Act to authorize all County Line Independent School Districts partly situated in three (3) or more counties, the supervision of said school being located in counties having a

population of not less than 17,000 nor more than 17,500 as shown by the last preceding Federal Census; to pay present outstanding legal indebtedness of said County Line Independent School Districts, by refunding warrants to bear interest of not more than six per cent (6%) per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

Referred to the Committee on School Districts.

By Mrs. Gordon:

H. B. No. 253, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of manufacturing, buying and selling of lumber and building materials and the construction of buildings and improvements, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Bell and Mr. Keith:

H. B. No. 254, A bill to be entitled "An Act establishing a merit system of appointing employees the various departments, agencies and institutions of the State Government of Texas and declaring it to be the policy of the State to so establish same; providing for appointment of Civil Service Commission of three members by the Governor, one of whom shall be Director of Personnel; providing one commissioner shall be appointed to serve two years, one four years, and Director of Personnel to serve six years; providing no commissioner shall hold any other office or employment under the United States, the State, county, city or other political subdivision thereof; providing for salary and traveling expenses of Director of Personnel and other two commissioners; and that Director of Personnel shall devote entire time to duties; providing Director may prescribe rules governing system, and for quorum of commission; that commission shall adopt seal and make rules and regulations for administration of Act; that any commissioner may be removed from office on address of two-thirds of each House of the Legislature for misfeasance or malfeasance; providing Director shall be Chief Administrative Officer when commission not in ses-

sion and shall execute all rules and regulations promulgated by commission and perform all duties imposed upon him and shall be responsible for effective administration of Act and do such things, not inconsistent with Act, as he deems necessary; authorizing commission to employ chief examiner and secretary and other additional employees, and fixing their salaries; authorizing Director to obtain assistance of other employees of State educational institutions to aid in giving examinations, without extra compensation unless residing out of Austin, Texas, and then only actual and necessary traveling expenses; providing Board of Control shall provide suitable office space, equipment and supplies for commission; making appropriation for maintenance of commission; prescribing the duties of commission as to classification of positions and duties in respect thereto and maximum and minimum salaries and rules and plans for promotion in each class of employment, and providing classes may be amended or abolished, and in regard to holding examination; to enforce provisions of Act, to establish records of individual efficiency of employees affected by this Act, same to be made by appointing power as commission may desire; prescribing duties of heads of each department, agency or institution affected thereby; make investigations relative to enforcement of this Act and rules made pursuant thereto, conduct of employees, methods of administration of all offices and places in service; investigate all officers and employees as to efficiency and make recommendation for increased efficiency and economy to heads of department, institution or office; providing for administering of oath by authorized agent of commission and requiring attendance of witnesses and production of books, papers or records as might aid administration of Act and regulations pursuant thereto; conferring jurisdiction upon District Courts of Travis County, Texas, for enforcing provisions of subsection; commission shall make biennial report to Governor and Legislature, with recommendations; dividing positions under Civil Service of this State into four classes; (1) Exempt Class, (2) Non-Competitive Class, (3) Competitive Class, (4) Laborer Class; providing hereafter all appointments to State Service shall be to one of

these classes; specifying the exempt class by separate enumerations to include, (1) All officers who are elected or all appointments which are required to be confirmed by the Senate. (2) Instructors and officers employed in all State educational institutions, including student employees. (3) The secretary and first assistant to the Heads of State departments, and the executive secretary of a board or a commission. (4) The Judiciary and its employees. (5) Officers and employees of the State Library. (6) Employees of the Legislature. (7) All election officers. (8) All members and employees of the National Guard. (9) The warden of the prison system. (10) Employees of the Governor's office. And providing any position or class of positions, not involving essentially clerical or stenographic duties, may be placed in Exempt Class by unanimous vote of Commission; providing Non-Competitive Class shall include all positions not included in Exempt Class or Laborer Class or not practicable to include in Competitive Class and that appointments to such Class shall be made from two highest on eligible lists; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Thornton:

H. B. No. 255, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings and improvements of the several State Institutions of Higher Learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 256, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and

Reformatory Institutions of the State of Texas for the two year period beginning September 1, 1939, and ending August 31, 1941, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 257, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1939, and ending August 31, 1941; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 258, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two year period beginning September 1, 1939, and ending August 31, 1941, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or re-election of any person as the head of such department; and prescribing procedure and penalties for violation of this Act; and prescribing certain other regulations and restrictions in respect to the appropriations

made herein, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 259, A bill to be entitled "An Act relating to the salaries of all State Officers and all State Employees, except Judges of the District and all Appellate Courts, Judges of the Supreme Court Commission of Appeals, Judges of the Commission in aid of the Court of Criminal Appeals, Attorney General and those Constitutional State Officers whose salaries are specifically fixed by the Constitution; and specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court and the Court of Criminal Appeals out of fees of office and specifically repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Donaghey and Mr. Boyer:

H. B. No. 260, A bill to be entitled "An Act to repeal Articles 2189 and 2190, Revised Civil Statutes of Texas of 1925, and prohibiting submission of cases to juries on special issues, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Hardin, Mr. Johnson of Ellis, Mr. Hankamer, Mr. Faulkner, Mr. Anderson, Mr. Dwyer, Mr. Kerr, Mr. Vale, Mr. Lehman, Mr. Rhodes, Mr. Galbreath, Mr. Allison, Mr. Cockrell, Mr. Spencer, Mr. Howington, Mr. Chambers, Mr. Talbert, Mr. Olsen, Mr. Bridgers, Mr. Isaacks, Mr. Pope, Mr. Felty, and Mr. Colquitt:

H. B. No. 261, A bill to be entitled "An Act defining the term 'saloon,' and prohibiting the operation of an open saloon, and providing a penalty for its violation; regulating the traffic in alcoholic liquors in this State, and prescribing penalties for the violation of offenses defined in connection therewith; placing the duty of enforcement of the Act on the State Comptroller of Public Accounts; providing for legal assistance in the enforcement of this Act; prescribing his duties of investigating this and other departments of State Government with power to administer the pro-

visions of this Act; providing for local option elections in counties, justice precincts, incorporated cities, and towns to determine whether or not the qualified voters desire to authorize the sale of intoxicating liquors having various alcoholic contents; establishing a system of permits and licenses for persons engaged in various phases of the liquor traffic; levying fees and taxes, and providing for their collection, and allocating the fees and taxes collected; providing for the use of a search warrant for enforcement of this Act; repealing Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature and all amendments thereto; defining the terms used in this Act; making appropriations; saving to the State all of its rights in the collection of moneys from all sources due the State under prior laws; including a saving clause, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Bray:

H. B. No. 262, A bill to be entitled "An Act creating the office of Criminal District Attorney in all counties having a population of not less than 48,900, nor more than 49,000, and not containing a city of more than 25,000 as determined by the last preceding Federal Census, and in which counties there are one or more judicial districts, and in which the County Attorney performs the duties of County Attorney and District Attorney and in which there is not now a District Attorney; providing that the present County Attorney in those counties which qualify as Criminal District Attorney, remaining in office for the period such officer would have held his office as County Attorney had this Act not been passed; providing that such officer shall take the oath and give the bond required of the District Attorneys by the Constitution and laws of this State; providing that such Criminal District Attorney shall have and exercise all powers, duties and privileges within such county as are by law conferred, or which may hereafter be conferred upon District and County Attorneys, and providing the compensation for such officer; providing for said Criminal District Attorney to appoint assistants and providing for the payment of compensations and prescribing their duties; providing further, that said assistants

shall take the Constitutional oath of office and represent the State in all courts of the county in which said Criminal District Attorney is authorized to represent the State under the direction of the said District Attorney and to be subject to the removal at the will of the said Criminal District Attorney; and providing that said assistant shall be authorized to administer oaths, file complaints, and generally perform any duties devolving upon said Criminal District Attorney, in his name and in his stead; providing for the election of a Criminal District Attorney in each such counties; providing this Act shall be cumulative, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Bray and Mr. Tennant:

H. B. No. 263, A bill to be entitled "An Act authorizing and empowering the Commissioners Court in counties having a population of more than fifteen thousand (15,000) and less than sixteen thousand (16,000) inhabitants, according to the last preceding Federal Census, to purchase fire trucks and other fire-fighting equipment for the protection and preservation of bridges, warehouses, shops, and other property located without the limits of any incorporated municipality or town; authorizing and empowering the Commissioners Court to enter into contracts with any centrally located city in the county for the operation and maintenance of any such fire trucks and equipment; providing the provisions of this Act are cumulative of all of the laws other than special laws; providing that in the event any Section, subdivision, paragraph, sentence, or clause be held unconstitutional, that the remaining portions thereof shall be valid, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Mohrmann:

H. B. No. 264, A bill to be entitled "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifth Legislature, Regular Session."

Referred to the Committee on Game and Fisheries.

By Mr. Brown of Cherokee:

H. B. No. 265, A bill to be entitled "An Act to amend Article 2867 of the

Revised Civil Statutes of Texas; providing for the limitation of the amount that may be expended in the purchase and distribution of free text books for the use of the pupils of this State."

Referred to the Committee on Education.

By Mr. Brown of Cherokee, Mr. Brown of Nacogdoches and Mr. Lock:

H. B. No. 266, A bill to be entitled "An Act to amend subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; to change and prescribe the time for holding court in the Second Judicial District of Texas and the length and duration of the terms of court therein; to conform all writs and processes of said court to such changes and make all writs and processes issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of court in the several counties in said district as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act."

Referred to the Committee on Judicial Districts.

By Mr. Holland:

H. B. No. 267, A bill to be entitled "An Act to amend Section 22a of Article 734a of the Penal Code of the State of Texas, regarding the venue of appeals from the order of the State Board of Barber Examiners, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Wright:

H. B. No. 268, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legisla-

ture, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, and empowering them to employ a secretary, a State Parole Supervisor and other employees; providing for the organization of the Board; providing that the Chairman shall be elected by the Board; providing for removal of Board members for cause; providing for the maintenance of office and location of same; granting authority to Board to promulgate rules and regulations; empowering the Governor to appoint non-paid County Parole Boards, and citing their duties; providing for a parole supervisor and citing his duties; providing for probation officers to become parole officers; providing that the Board of Pardons and Paroles shall determine which prisoners shall be released from the penitentiary before the expiration of their maximum term; providing for regular meetings of the Board; providing that certain factors are to be considered in cases where parole is under consideration; providing consideration in the matter of pardons; citing powers of the Board in all cases; providing that the General Manager of the Texas Prison System, in so far as his records will allow, furnish the Board of Pardons and Paroles with a complete social and criminal record of each prisoner in his charge; providing that the General Manager shall furnish list of men eligible for parole to the Board; providing that prisoners eligible for parole shall be supplied with application forms; determining how prisoners serving sentence in the penitentiary shall become eligible for parole, and the manner and condition of release; providing limitations of eligibility for parole of persons whose sentences are commuted from death to life sentence; providing for furloughs and limiting length of

time they may be granted; giving applications for furlough precedence on the docket of the Board; providing for personal interview by the Board or any designated member thereof with persons eligible for parole; providing procedure in case of prisoner violating prison rules prior to release on parole; providing for the Board to specify the conditions of parole; providing for clothing, transportation and money for prisoners released on parole; authorizing apprehension of persons who have violated or are about to violate terms of parole; providing for hearings of retaken and returned parole violators; providing the method of computing a prisoner's time served; providing for imposition of unserved term in cases where felony is committed while prisoner is on parole; providing for discharge while on parole; establishing a method of application for restoration of citizenship and full rights and privileges of suffrage; providing for automatic restoration of rights of citizenship in certain cases; providing for filing proclamation or release form by the Governor with Secretary of State in which reasons for granting or denying parole or clemency are set out; declaring that if any part of this Act shall be held unconstitutional or invalid the remainder shall remain in force and effect, and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Thornberry and Mr. Boyd:

H. B. No. 269, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall not be barred by any of the provisions of this title, and to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Thornberry.

H. B. No. 270, A bill to be entitled "An Act providing that the governing boards of all institutions of collegiate rank supported in whole or in part by funds of the State of Texas shall exempt all citizens of Texas who are the children of men and women who died in active service during the World War or from disability incurred in the line of duty during said war from the payment of all dues, fees and charges whatsoever for tuition; providing that such citizens shall submit satisfactory evidence of his status, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Newell:

H. B. No. 271, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which according to the last preceding Federal Census had a population of not fewer than four thousand one hundred thirty (4,130) and not more than four thousand one hundred eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Coleman:

H. B. No. 272, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in the Counties of Madison, Houston, Walker, San Jacinto and Grimes for a period of five years from and after passage of this Act; repealing all conflicting laws; providing a suitable penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Howington:

H. B. No. 273, A bill to be entitled, "An Act making theft of peanuts, peanut hay, or peanut meal a felony; prescribing penalties therefor, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. King:

H. B. No. 274, A bill to be entitled "An Act creating a Special Road Law

for Parker County, Texas; providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14th, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges, and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Harper and Mr. Fielden:

H. B. No. 275, A bill to be entitled "An Act providing for compensation for the official Shorthand Reporter in the 76th Judicial District of the State of Texas, composed of Titus, Franklin, Camp, Morris and Marion Counties, repealing all laws or parts of laws expressly in conflict herewith, only to the extent of such conflict, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Kersey:

H. B. No. 276, A bill to be entitled "An Act to prohibit the use of any trap, seine or net of any kind or character for the purpose of taking or catching any fish out of the west fork or tributary of the Trinity River in Wise County, Texas, for a period of three (3) years from and after the effective date of this Act; prescribing a penalty therefor, providing, however, that this Act shall not prohibit the use of a minnow seine in such river, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Petsch:

H. B. No. 277, A bill to be entitled "An Act, declaring the purpose of this enactment; providing for payment of old age assistance benefits; fixing qualifications of those entitled to receive old age assistance; defining the

term 'needy person' and other words and terms used in this Act; fixing amount of assistance to be granted by the State; providing for preparation and execution of applications for assistance and supporting affidavits, creating Texas Old Age Commission, and providing for the membership of such Commission; requiring the Commission to secure information showing income of applicants, and requiring statements by recipients of old age assistance of income, and providing for reviews and adjustments of assistance; providing manner of handling applications for assistance; providing denial of assistance and striking names of recipients of assistance from rolls where false statements are made or procured; designating offices to be maintained by the Commission and discontinuing certain offices, and providing for disposition of records, supplies and equipment in present offices; designating each County Judge as agent of the Commission, defining his duties and fixing his compensation and appropriating One Hundred and Fifty Thousand (\$150,000.00) Dollars out of Old Age Assistance Fund for each of two (2) years immediately following effective date of this Act; providing State Board of Control shall constitute the Texas Old Age Assistance Commission and fixing the duties and compensation of the members of such Commission, and providing for payment of necessary expenses of said Commission; providing for appointment of an Executive Director of the Commission and fixing his qualifications, duties and salary; providing for the selection and discharge of clerical forces and fixing their salaries; authorizing the Commission to require bonds from employees and providing for payment of premiums on such bonds; appropriating out of funds of Texas Old Age Assistance Commission One Hundred and Fifty Thousand (\$150,000.00) Dollars for first year, and One Hundred Thousand (\$100,000.00) Dollars for the following year for maintenance and operating costs of said Commission, and providing for reduction of personnel to prevent deficit; providing method of handling applications for assistance benefits and providing for hearings and appeals; providing for investigations of applicants and for preservation of orders of the Commission and for filing such orders

with Speaker of the House and Lieutenant Governor in the Senate; providing method to be followed by the Commission in administering this Act, and for the transfer of funds, property and records to the Commission; fixing status of obligations of Old Age Assistance Commission; providing assistance grants shall be inalienable and fixing status of such grants; authorizing acceptance of gifts by the Commission, and fixing conditions of such gifts; providing method of payment of benefits under this Act; requiring the Commission to file list of names of beneficiaries and amounts paid in County Clerk's office; fixing status of grants of assistance received from the Federal Government; making assistance granted subject to provisions of amendments to this Act; requiring reports to Commission of conviction of recipient of benefits of offenses and authorizing withholding of benefits under certain conditions; fixing compensation of persons assisting applicants for benefits, making it unlawful to charge in excess thereof and fixing penalties for violation thereof; establishing the Texas Old Age Assistance Fund and providing for appropriations therefrom to meet existing and accruing obligations of the Commission; limiting certain appropriations and authorizing the Commission to accept certain funds appropriated to the State for administrative expenses by the Federal Government; fixing the maximum amount of old age assistance that may be paid; declaring unlawful misappropriations of all Texas Old Age Assistance Funds and providing a criminal penalty therefor; designating this Act as 'Texas Old Age Assistance Act'; defining the words 'value', 'person', 'transaction', 'Comptroller', 'State' and 'taxpayer' as used in this Act; providing for the levying of a tax on each and every transaction as defined in this Act; and providing for the collection of such tax and exempting certain transactions from such tax and providing that transactions enumerated shall not be deemed to exclude other taxable transactions; making production of natural resources subject to transaction tax, fixing basis of such tax and effective date of levy of such tax thereon and designating persons required to pay the same; providing severance tax on production of natural resources in

event transaction tax can not be lawfully levied on production of natural resources; fixing disposition and use of taxes levied and collected hereunder and requiring the State Treasurer to examine the condition of Texas Old Age Assistance Fund and providing for transfer by him to General Fund of excess money in Texas Old Age Assistance Fund; requiring transaction tax to be paid to the Comptroller of Public Accounts and disposition thereof to be made by him; fixing the time and method of payment of transaction tax; providing penalties for the non-payment thereof and for recovery by the State of such unpaid tax; authorizing suits for the collection of taxes and the venue of suits instituted against the Comptroller of Public Accounts of this State to enjoin collection of such taxes and requiring the payment of taxes as a condition precedent to the filing of suit enjoining the payment of taxes; authorizing Comptroller of Public Accounts to make and publish rules and regulations for the enforcement of this Act; authorizing the Comptroller of Public Accounts to require registration of persons, firms, partnerships, companies, corporations, associations, and others and to require reports and information from any person, and authorizing the examination of books and records and providing all information received by the Comptroller shall be treated as confidential; declaring unlawful the divulging of certain information of taxpayers' affairs, and fixing mandatory penalty therefor, and for discharge of guilty employees; authorizing the Comptroller of Public Accounts to prescribe all forms and maintain all records necessary for administration and enforcement of this Act and providing failure to furnish forms shall not be a defense against failure to pay taxes; authorizing State Board of Control to design and manufacture metal tokens, fixing the unit value of such tokens, and tokens required to be paid in transactions; authorizing the State Board of Control to design and print transaction tax stamps and fixing the design thereof and providing that printing and manufacturing of transaction tax stamps and transaction tax tokens shall be awarded by competitive bids and requiring such stamps and tokens to be delivered to the State Treasury, and providing for the

sale and delivery of such stamps and tokens; authorizing the State Board of Control to change design, size and denomination of all stamps and tokens; providing for the redemption of unused stamps and tokens; requiring stamps and tokens to be presented for redemption within certain time and making it unlawful for any person to have in his possession stamps or tokens after such time, and providing for issuance of proclamation by State Treasurer of new designs of stamps and tokens, and fixing a criminal penalty for any person to have in his possession stamps or tokens of old designs after specified date; providing for exchange of transaction tax stamps and transaction tax tokens; requiring State Treasurer to keep record of all stamps and tokens sold or exchanged; fixing method of payment of transaction tax; requiring certain instruments and documents evidencing certain transactions to be stamped and fixing penalties for violation thereof and prohibiting any such unstamped instruments to be filed or recorded by any public official of this State; designating particular instruments which shall be stamped by such transaction tax stamps and requiring certain statement on certain instruments not stamped; and making inadmissible in evidence in any suit or proceeding of instruments not stamped as required by this Act; excluding from the provisions of this Act instruments taken by or on behalf of the United States of America; providing for an appropriation of Three Hundred and Fifty Thousand (\$350,000.00) Dollars out of General Fund of the State to defray costs of administration and collecting taxes levied by this Act for the period of June 15, 1939, to June 15, 1940, and requiring reimbursement of such appropriation; appropriating Three Hundred Thousand (\$300,000.00) Dollars out of the Texas Old Age Assistance Fund to defray costs of administration and collecting taxes during the period of June 15, 1940, to June 15, 1941; requiring Comptroller of Public Accounts to set up department for administering the tax provisions of this Act, and authorizing the employment of necessary personnel to administer this Act, and providing limitations on the salaries of such employees; providing after the effective date of this Act for payment of

old age assistance exclusively from sources fixed by this Act; requiring the State Treasurer to open and maintain in his office Texas Old Age Assistance Fund, Confederate Soldiers Pension Fund, Destitute Childrens Assistance Fund and Teacher's Retirement Fund, and requiring such State Treasurer to transfer from the Texas Old Age Assistance Fund, to the said Confederate Soldiers Pension Fund, and to the said Destitute Childrens Assistance Fund, and to the said Teacher's Retirement Fund, certain sums at specified times to meet the obligations of this State, and providing the exclusive use to be made of such transferred funds, and providing that old age assistance, Confederate Soldiers pensions, destitute children's assistance and teacher's retirement pensions shall after the times fixed by this Act, be paid from the revenue derived from transaction taxes; fixing source from which the cost of administering such funds shall be paid, and providing for the disposition of the revenue derived from transaction taxes in case such revenue shall be inadequate to pay assistance and pensions as fixed by this Act; declaring certain acts unlawful and fixing penalties therefor; repealing Articles I and II of House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature as amended by Senate Bill No. 415 of the Acts of the Forty-fifth Legislature, Regular Session, and repealing all laws and parts of laws in conflict herewith, and providing that Articles III, IV and V of House Bill No. 8, passed at the Third Called Session of the Forty-fourth Legislature, as amended by House Bill No. 441 of the Acts of the Forty-fifth Legislature, Regular Session, and as amended by House Bill No. 377 of the Acts of the Forty-fifth Legislature, Regular Session, shall continue in full force and effect, and this Act shall be cumulative thereof; and amending Article III, Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, by adding thereto Section 7, providing that on and after January 1, 1940, all net revenue derived from cigarette tax shall be credited to the Available School Fund, and that 'all net revenue derived from taxes levied under said Article III and now placed in the Available School Fund shall continue to go to such fund, and that

all other taxes which are levied in said Article III which are not credited to Texas Old Age Assistance Fund, shall on and after January 1, 1940, be allocated to the General Fund, and repealing all laws in conflict with such amendment and this Act; fixing the effective date of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Isaacks:

H. J. R. No. 15, A Joint Resolution, Proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding a new Section to be known as Section 7a, providing for retirement at full pay of the Judges of all District and Appellate Courts of this State including the Supreme Court, the Court of Criminal Appeals, together with the Commissions of Appeals of both, and the several Courts of Civil Appeals; designating the qualifications of Judges eligible for retirement, and directing the selection of their active successors, and providing for compulsory retirement under certain conditions; providing for optional continued service after reaching compulsory retirement age; requiring needed revenues for the financing of this judicial retirement system to be obtained from two (2) sources only, to-wit:

(1) By the advance collection, as a condition precedent to the privilege of having any of such original or appealed proceedings filed or docketed, of the hereinafter designated filing and docketing fees from all litigants in all private civil litigations and appeals therein, with certain exceptions;

(2) By deducting monthly from the salaries of all the Judges of the District and Appellate Courts as a aforementioned one (1%) per cent thereof by way of an annual tax against the same; providing for an election on the adoption or rejection of such amendment; prescribing the form of the ballot; providing for the proclamation and publication of such by the Governor and making an ap-

appropriation therefor; prescribing duties as to such revenues for all such Court Clerks, the Governor, the State Comptroller, and State Treasurer.

Providing that this amendment shall be self-executing and shall become effective for the collection of such filing and docketing fees and salary taxes from and after its adoption at such election, as well as in all other respects, except that retirements thereunder shall not begin prior to January 1, of 1940.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch:

H. J. R. No. 16, A Joint Resolution, Proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas, giving the Legislature power by General Laws to provide for the payment of old age assistance subject to certain limitations, and fixing the qualifications of recipients of old age assistance and fixing the maximum amount of assistance which may be granted by the State, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need"; providing that old age assistance shall not be construed as a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; levying and providing for the collection of a transaction tax of one and six-tenths (1.6%) per cent on the amount of actual value passing by each transaction and providing for the payment of such tax, and providing that where the amount of value which passes by a transaction is fixed by law, the tax of one and six-tenths (1.6%) per cent of such value shall be collected on the last transaction only; defining the words "value", "person" and "transaction" as used in such amendment; and providing what transactions shall be exempt from said transaction tax; providing that production of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be effective against such production, and determining the person liable for such tax; providing that if such transaction tax against production of natural resources fails or cannot be collected, a

severance tax of one and six-tenths (1.6%) per cent of the value of such production be and is levied on such production in lieu of said transaction tax; providing for collection of such tax by the Comptroller of Public Accounts and payment thereof to the State Treasurer; providing that such tax funds shall be credited to the Texas Old Age Assistance Fund, and requiring the transfer of certain of such funds to the Confederate Soldiers Pension Fund, Destitute Children Assistance Fund and Teacher's Retirement Fund, and fixing the amount and time of such transfers; providing for the exclusive use which shall be made of such funds, and providing that no other tax shall be levied for the payment of old age assistance, Confederate Soldiers pensions, destitute children assistance and teachers' retirement pensions; providing for payment of part of surplus tax into General Fund of the State; allocating such tax funds in case the same be inadequate to pay assistance as provided in this amendment; prohibiting counties, cities, and other political subdivisions from levying transaction tax; giving the Legislature power by General Laws to provide for administration of the provisions contained herein and for the collection of all taxes herein levied; proposing to amend the Constitution of the State of Texas by adding thereto Section 1-b to Article VIII, abolishing all State ad valorem taxes from and after January 1, 1941, except as to property situated in counties or political subdivisions receiving a remission of State taxes, and further providing that State revenue received from cigarette tax shall be allocated to Available School Fund, and specifying what use may be made thereof; providing for submission of amendment to qualified electors of the State and fixing the time of such election; providing for the necessary proclamation and making an appropriation to defray the expenses of proclamation, publication and election.

Referred to the Committee on Constitutional Amendments.

BILLS ORDERED NOT PRINTED

On motion of Mr. Spencer, House Bill No. 251 was ordered not printed.

On motion of Mr. Galbreath, House Bill No. 157 was ordered not printed.

On motion of Mr. Allison, House Bill No. 233 was ordered not printed

ADDITIONAL SIGNER OF HOUSE BILL NO. 231

By unanimous consent of the House, Mr. Coleman was authorized to sign House Bill No. 231, as co-author of same.

MESSAGE FROM THE SENATE

Austin, Texas, January 25, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate, to inform the House, the Senate has concurred in House amendments to Senate Bill No. 47, by the following vote: Yeas, 31; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

NAMING FORREST JONES BROWN MASCOT OF THE HOUSE

Mr. Hartzog offered the following resolution:

H. S. R. No. 96, Naming Forrest Jones Brown Mascot of the House.

Whereas, Forrest Jones Brown, age nine, the grandson of one of our distinguished Members of the Forty-sixth Legislature, R. Lee Brown of Nacogdoches, is a proper person for the office of Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Forrest Jones Brown, age nine, the grandson of Hon. R. Lee Brown, a Member of the Forty-sixth Legislature, be hereby officially named by the House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have his picture made and placed in the official group of said body, and that he be furnished a copy of this resolution.

The resolution was read second time, and was adopted.

CONCERNING CERTAIN PRACTICES OF OLD AGE ASSISTANCE COMMISSION

Mr. Brown of Nacogdoches offered the following resolution:

H. S. R. No. 97, Concerning certain practices of Old Age Assistance Commission.

Whereas, Our present Old Age Assistance Law does not mention any relative except the husband and wife as being obligated to support any aged person who is otherwise qualified to receive old age assistance; and

Whereas, The Old Age Assistance Commission, which is invested with the power and duty of administering the said Old Age Assistance Law, is stressing and enforcing such obligation upon the relatives of our aged people; and

Whereas, This same Commission is forcing hardships and grievous burdens upon many such relatives who are financially unable to render such assistance; now, therefore, be it

Resolved by the House of Representatives, That we most earnestly and strongly condemn such practice as being both contrary to and in violation of both the letter and the spirit of law.

The resolution was read second time, and was adopted.

EXTENDING CONGRATULATIONS OF THE HOUSE

Mr. Cornett offered the following resolution:

H. C. R. No. 23, Extending congratulations of the House.

Whereas, On January 17, 1939, on the auspicious occasion of the inauguration of the Governor and Lieutenant Governor of Texas, a pageant was presented entitled "The American Way of Life;" and

Whereas, This pageant was witnessed by a vast throng of Texans from all sections of the State; and

Whereas, This presentation was very eloquently and elaborately expressive of the benefits and blessings of Democracy that Texans enjoy and was very dramatic in appeal, rivalling the dramatic masterpieces of all the ages in technique, impressiveness, and genuine action; and

Whereas, The emotionalism and dramatic ability made everyone present more appreciative of the liberty that is ours; and

Whereas, The historical scenes were magnificently displayed causing the audience to realize more fully and with more appreciation the glorious history that is ours; and

Whereas, The University of Texas sponsored the presentation of this masterpiece; its author was a Russian born citizen of Mexico, Theodore

Apstein, who is a student in the University and is now seeking naturalization; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we congratulate the cast of this production on their excellent performance and express our sincere appreciation for their worthy efforts in making this inaugural program the huge success that it was, and offer our earnest desire that this talented and public-spirited alien may have speedy success in his efforts at becoming a citizen of the land for which he already has such a deep-rooted devotion, and who has made those of us who have lived here so long realize anew and with more intense devotion the glorious opportunity that is ours; and be it further

Resolved, That a copy of this resolution be sent to Mr. Apstein, to the Director of the presentation and to the Daily Texan so that the entire University may be apprised of our appreciation for this noble performance of dramatic effort.

CORNETT.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurphy, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragdsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell,

Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley, Wright.

On motion of Mr. Brown of Nacogdoches, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

CONCERNING THE CALLING OF A CONSTITUTIONAL CONVENTION

Mr. Turner offered the following resolution:

H. C. R. No. 22, To provide for the calling of a Constitutional Convention.

Be It Resolved by the House of Representatives of Texas, the Senate concurring:

Section 1. That the question of calling a Constitutional Convention for the purpose of drafting a new Constitution for the State of Texas be submitted to the voters of Texas at a special election to be held on the third Saturday in July, 1939, the manner of conducting said election and the counting of returns thereof to be governed and controlled by the laws now in force in regard to general elections.

Section 2. If, upon a count of the votes cast in said election, it be found that a majority have voted for a convention, it shall be the duty of the Governor of Texas to call for a Constitutional Convention to be known as the "New Constitutional Convention of Texas" to be held at the State Capitol not later than ninety (90) days following the election of its members.

Section 3. The Convention membership shall consist of sixty-four (64) delegates to include two (2) delegates from each Senatorial District to be chosen by the qualified voters at the special election herein provided for on the third Saturday of July, 1939. The qualifications of a delegate to the Constitutional Convention shall be the same as those of a State Senator.

Section 4. It shall be the duty of the Convention to draft and recom-

mend to the Texas Legislature a new Constitution for the State of Texas, which Constitution shall embody an outline of the organization, procedure and fundamental policies of the State Government.

Section 5. The members of the Convention shall receive Fifteen Dollars per day for the first ninety days and Five Dollars per day thereafter. They shall receive travel pay in the same manner and amount as is received by the members of the Texas Legislature.

Section 6. The Convention shall be given an expense account not to exceed \$125,000 to be used strictly for the accumulation of information and for other necessary and incidental expenses. All expenditures shall be made by the Treasurer of the State of Texas and no expenditure shall be made without a two-thirds vote by the Convention and the approval of the Convention auditor. An appropriation for the contingent and per diem expense of the Convention shall be made by an Act of the Texas Legislature.

Section 7. The Convention members shall have the authority to employ the services of five instructors or professors of government who are connected with the colleges and universities of Texas; but they are expressly prohibited from employing more than one instructor or professor from a single college or university. They shall have the authority to employ the services of five lawyers, provided that no two shall be taken from the same Senatorial District. The Convention membership by majority vote shall fix the compensation of the employees provided for in this Section and shall arrange all details in connection with their services; and the compensation of these employees and all expenses incidental thereto shall be paid out of the contingent fund of the Convention.

Section 8. The Convention auditor and the Convention secretary shall be elected by a majority vote of the House of Representatives and Senate. They shall receive pay equal to that of the members of the Convention, but they shall not be members of the Convention. It shall be the duty of the Convention auditor to audit the expenditures of the Convention and to reject or approve every proposed expenditure. It shall be the duty of the Convention secretary to

keep a complete record of all expenditures.

Section 9. The Legislature by majority vote shall select one of the members of the Convention to be temporary Chairman. The first duties of the Convention will be to elect a permanent Chairman, a Vice-Chairman, and a Parliamentarian, and to organize for business.

Section 10. The permanent Chairman shall have the authority to appoint members to all committees.

Section 11. There shall be a Committee on Judiciary, and a Committee on Executive, a Committee on Legislative, a Committee on Elections and Suffrage, a Committee on Education, a Committee on Citizens Rights, a Committee on Eleemosynary Care, a Committee on Taxation and Revenue, a Committee on Counties and Municipalities, a Committee on Public Lands, and such other Committees as may be deemed necessary by a majority vote of the Convention members.

Section 12. Each Committee will be assigned the task of drafting the Section of the Constitution which deals with its subject, eg., the Committee on Judiciary will draft the Section of the Constitution which deals with the organization, establishment, jurisdiction, and procedure of the Judicial Department of the State Government.

Section 13. The Convention may be called into general assembly by the permanent Chairman at his will, provided that he must call it into general assembly when petitioned to do so by twenty-five (25) members, or when a Committee reports that it has completed a draft of the Section of the Constitution to which it was assigned and that it is ready to submit said draft to the Convention for consideration and adoption.

Section 14. After a Section of the proposed Constitution is drafted by a Committee, it must then be adopted by a majority of the Convention members in general assembly. The draft submitted by any Committee may be altered, revised, or rejected by a majority vote of the members of the general assembly.

Section 15. The members of the general assembly may by a majority vote adopt entirely new sections and provisions to the proposed Constitution which were not proposed or drafted by a Committee.

Section 16. When the Convention shall have adopted the various Sections of a new Constitution, the Chairman shall appoint a special committee of nine (9) members to assemble those sections into one document and eliminate any inconsistencies that may appear, which document shall be as brief, simple, and concise as possible. This document must be in turn adopted by a majority vote of the general assembly; and it may be altered or revised by a majority vote.

Section 17. When the general assembly shall reject any Section that is submitted by a Committee, the Committee will then proceed to make a new draft, and so on until one is accepted; provided, however that at any time the Chairman shall, upon request of a majority of the members of the general assembly, abolish said Committee and appoint a new Committee in its stead.

Section 18. The Convention shall transact business so far as is practical according to the parliamentary rules of the House of Representatives.

Section 19. No member shall receive per diem for days when he is absent regardless of reason or excuse.

Section 20. Each day the members shall indicate their presence by signing a register which will be circulated by the Sergeant-at-Arms as directed by the Chairman.

Section 21. The Sergeant-at-Arms shall be elected by a majority vote of the Texas Legislature. Besides keeping the roll of the Convention, it shall be his duty to maintain order at all times. He shall receive a salary of Seven (\$7.00) Dollars per day and travel pay in the same manner and amount as the members of the Convention.

Section 22. In the absence of the Convention Chairman at a general assembly, the Vice-Chairman shall act as Chairman. In the absence of both, the Secretary shall appoint a temporary Chairman.

Section 23. Any number of members in general assembly will constitute a quorum to do business; provided, however, that each member of the Convention must be given due notice when a general assembly is called.

Section 24. Any number of members of a Committee will constitute a quorum; provided, however, that the time and place of meeting of no Com-

mittee shall be set or changed without due notice being given to every member thereof.

Section 25. When the Constitutional Convention shall have completed its draft of a new Constitution, it shall submit said draft to the Legislature for approval, and, if the Legislature approve by a two-thirds vote of all the Members elected to each House, the new Constitution shall be submitted to the qualified electors in the same manner as Constitutional Amendments are submitted. If it shall appear that a majority of the votes cast by the qualified electors have been cast in favor of the new Constitution, it shall become the Constitution of the State of Texas, and proclamation thereof shall be made by the Governor.

The resolution was read second time.

Mr. Alsup raised a point of order, on further consideration of the resolution, on the ground that the resolution seeks to make an appropriation, and that same is in effect an amendment to the Constitution, and requires a Joint Resolution.

The Speaker overruled the point of order.

Mr. Alsup raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

HOUSE BILL NO. 157 ON SECOND READING

Mr. Galbreath moved that the Twenty-four Hour House Rule, relative to the consideration of printed bills, be suspended, at this time, for the purpose of considering House Bill No. 157.

The motion prevailed by the following vote:

Yeas—134

Allen	Bradford
Allison	Bray
Alsup	Bridgers
Anderson	Brown
Bailey	of Nacogdoches
Baker of Grayson	Bundy
Blankenship	Burkett
Bond	Burney
Boyd	Cauthorn
Boyer	Chambers
Bradbury	Clark

Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	McNamara
Cornett	Mohrmann
Crossley	Monkhouse
Daniel	Montgomery
Davis of Jasper	Morris
Davis of Upshur	Newell
Dean	Nicholson
Derden	Oliver
Dickison	Olsen
Dickson	Pace
Donaghey	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Ragsdale
Fielden	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Reaves
Gilmer	Reed
Goodman	Rhodes
Gordon, Mrs.	Riviere
Hale	Roach
Hamilton	Roberts
Hardeman	Robinson
Hardin	Russell
Harp	Schuenemann
Harper	Segrist
Harrell of Bastrop	Shell
Harrell of Lamar	Skiles
Harris	Smith of Frio
Hartzog	Smith of Hopkins
Heflin	Smith
Holland	of Matagorda
Howard	Spencer
Howington	Stinson
Hull	Stoll
Hunt	Talbert
Isaacks	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Tennant
Kennedy	Thornberry
Kern	Thornton
Kerr	Vale
Kersey	Vint
Kinard	Voigt
King	Waggoner
Langdon	Weldon
Lehman	Wells
Leonard	Westbrook
Leyendecker	White
Little	Wilson
Lock	Winfree
London	Wood
McAlister	Worley
McDaniel	Wright

Nays—1

Keith

Absent

Broadfoot Celaya
Brown of Cherokee Cleveland

Corry	Mays
Dwyer	Petsch
Hankamer	Turner
Loggins	

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 157, A bill to be entitled "An Act creating and establishing Jackson County Road District Number Ten in Jackson County, Texas, under Article II, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said District and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the District hereby created are also included in other road districts having outstanding bonds shall not effect the District hereby created or its powers hereby granted; and providing that liability of territory included in this District and other road districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article II, Section 52; determining that all of the lands in said District will be benefited by additional road improvements; providing that the pro-

visions of this Act shall prevail in the event of conflict with any other General or Special Law; providing that if any provision hereof is held to be invalid, such holding shall not affect the other provisions hereof, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 157 ON THIRD READING

Mr. Galbreath moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Allen	Goodman
Allison	Gordon, Mrs.
Alsup	Hale
Anderson	Hamilton
Bailey	Hardeman
Baker of Grayson	Hardin
Blankenship	Harp
Bond	Harper
Boyd	Harrell of Bastrop
Boyer	Harrell of Lamar
Bradbury	Harris
Bradford	Hartzog
Bray	Heflin
Bridgers	Holland
Brown	Howard
of Nacogdoches	Howington
Burkett	Hull
Burney	Hunt
Cauthorn	Isaacks
Chambers	Johnson of Ellis
Clark	Johnson of Tarrant
Cleveland	Keith
Coleman	Kennedy
Colquitt	Kern
Colson, Mrs.	Kerr
Cornett	Kersey
Corry	Kinard
Crossley	King
Daniel	Langdon
Davis of Jasper	Lehman
Davis of Upshur	Leonard
Dean	Leyendecker
Derden	Lock
Dickison	London
Dickson	McAlister
Donaghey	McDaniel
Faulkner	McDonald
Ferguson	McFarland
Fielden	McMurry
Fuchs	McNamara
Galbreath	Mohrmann
Gilmer	Monkhouse

Montgomery	Smith of Frio
Morris	Smith of Hopkins
Newell	Smith
Nicholson	of Matagorda
Oliver	Spencer
Olsen	Stinson
Pace	Stoll
Pevehouse	Talbert
Piner	Tarwater
Pope	Taylor
Ragsdale	Tennant
Reader of Bexar	Thornberry
Reader of Erath	Thornton
Reaves	Vint
Reed	Voigt
Rhodes	Waggoner
Riviere	Weldon
Roach	Wells
Roberts	Westbrook
Robinson	White
Russell	Wilson
Schuenemann	Winfree
Segrist	Wood
Shell	Worley
Skiles	Wright

Absent

Broadfoot	Hankamer
Brown of Cherokee	Little
Bundy	Loggins
Celaya	Mays
Cockrell	Petsch
Dwyer	Turner
Felty	Vale

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

The Speaker then laid House Bill No. 157 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—132

Allen	Cauthorn
Allison	Chambers
Alsup	Clark
Anderson	Cleveland
Bailey	Cockrell
Baker of Grayson	Coleman
Blankenship	Colquitt
Bond	Colson, Mrs.
Boyd	Cornett
Boyer	Crossley
Bradbury	Daniel
Bradford	Davis of Jasper
Bray	Davis of Upshur
Brown	Dean
of Nacogdoches	Derden
Burkett	Dickison
Burney	Dickson

Donaghey	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Olsen
Fuchs	Pace
Galbreath	Pevehouse
Gilmer	Piner
Goodman	Pope
Gordon, Mrs.	Ragsdale
Hale	Reader of Bexar
Hankamer	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Rhodes
Harrell of Bastrop	Riviere
Harrell of Lamar	Roach
Harris	Roberts
Hartzog	Robinson
Heflin	Russell
Holland	Schuenemann
Howard	Shell
Howington	Skiles
Hull	Smith of Frio
Hunt	Smith of Hopkins
Isaacks	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Spencer
Keith	Stinson
Kennedy	Stoll
Kern	Talbert
Kerr	Tarwater
Kersey	Taylor
Kinard	Tennant
King	Thornberry
Langdon	Thornton
Lehman	Turner
Leonard	Vint
Leyendecker	Voigt
Lock	Waggoner
London	Weldon
McAlister	Wells
McDaniel	Westbrook
McDonald	White
McFarland	Wilson
McMurry	Winfree
McNamara	Wood
Mohrmann	Worley
Monkhouse	Wright

Absent

Bridgers	Harper
Broadfoot	Little
Brown of Cherokee	Loggins
Bundy	Mays
Celaya	Petsch
Corry	Segrist
Hamilton	Vale

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

HOUSE BILL NO 251 ON SECOND READING

On motion of Mr. Spencer, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended, at this time, for the purpose of considering House Bill No. 251.

Mr. Spencer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 251 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Baker of Grayson	Harp
Blankenship	Harper
Bond	Harrell of Bastrop
Boyd	Harrell of Lamar
Boyer	Hartzog
Bradbury	Heflin
Bradford	Holland
Bray	Howard
Bridgers	Howington
Brown	Hull
of Nacogdoches	Hunt
Bundy	Isaacks
Burkett	Johnson of Ellis
Burney	Johnson of Tarrant
Cauthorn	Keith
Chambers	Kennedy
Clark	Kern
Cleveland	Kerr
Coleman	Kersey
Colquitt	Kinard
Colson, Mrs.	King
Cornett	Langdon
Crossley	Lehman
Daniel	Leonard
Davis of Jasper	Leyendecker
Davis of Upshur	Lock
Dean	London
Derden	Mays
Dickison	McAlister
Dickson	McDaniel
Donaghey	McDonald
Dwyer	McFarland
Faulkner	McMurry
Ferguson	McNamara
Fielden	Mohrmann
Fuchs	Monkhouse
Galbreath	Montgomery
Gilmer	Morris
Goodman	Newell
Gordon, Mrs.	Nicholson
Hamilton	Oliver

Olsen	Stinson
Pace	Stoll
Pevehouse	Talbert
Piner	Tarwater
Pope	Taylor
Ragsdale	Tennant
Reader of Bexar	Thornberry
Reader of Erath	Thornton
Reaves	Turner
Reed	Vale
Rhodes	Vint
Riviere	Voigt
Roach	Waggoner
Roberts	Weldon
Robinson	Wells
Russell	Westbrook
Schuenemann	White
Segrist	Wilson
Shell	Winfree
Skiles	Wood
Smith of Frio	Worley
Smith of Hopkins	Wright
Smith	
of Matagorda	

Absent

Anderson	Felty
Bailey	Hale
Broadfoot	Harris
Brown of Cherokee	Little
Celaya	Loggins
Cockrell	Petsch
Corry	Spencer

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 251. A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand five hundred and eighty-three (30,583), and not more than thirty thousand six hundred (30,600) according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official County Court Reporter of the County Court; to define and prescribe the duties of such Court Reporter, and fix the compensation and tenure of office, prescribing the fund from which the salary is to be paid and prescribing the taxing of costs in civil suits in which answer is filed, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 251 ON THIRD READING

The Speaker then laid House Bill No. 251 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—126

Allen	Hunt
Allison	Isaacks
Alsup	Johnson of Ellis
Bailey	Johnson of Tarrant
Baker of Grayson	Keith
Blankenship	Kennedy
Bond	Kern
Boyd	Kerr
Boyer	Kersey
Bradbury	Kinard
Bradford	Langdon
Bray	Lehman
Bridgers	Leonard
Brown of Cherokee	Leyendecker
Bundy	Lock
Burkett	Loggins
Burney	London
Cauthorn	McAlister
Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Montgomery
Cornett	Morris
Crossley	Newell
Daniel	Nicholson
Davis of Jasper	Oliver
Davis of Upshur	Olsen
Derden	Pace
Dickison	Pevehouse
Dickson	Piner
Donaghey	Pope
Faulkner	Ragsdale
Ferguson	Reader of Bexar
Fielden	Reader of Erath
Fuchs	Reaves
Gilmer	Reed
Goodman	Rhodes
Gordon, Mrs.	Riviere
Hale	Roach
Hamilton	Roberts
Hankamer	Robinson
Hardeman	Russell
Hardin	Segrist
Harp	Shell
Harper	Skiles
Harrell of Bastrop	Smith of Frio
Harrell of Lamar	Smith
Harris	of Matagorda
Heflin	Spencer
Holland	Stinson
Howard	Stoll
Howington	Talbert

Tarwater	Waggoner
Taylor	Weldon
Tennant	Wells
Thornberry	White
Thornton	Wilson
Turner	Winfree
Vale	Wood
Vint	Worley
Voigt	

Absent

Anderson	Hull
Broadfoot	King
Brown	Little
of Nacogdoches	Mays
Celaya	Monkhouse
Corry	Petsch
Dean	Schuenemann
Dwyer	Smith of Hopkins
Felty	Westbrook
Galbreath	Wright
Hartzog	

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

HOUSE BILL NO. 233 ON SECOND READING

Mr. Allison moved that the Twenty-four Hour House Rule, relative to the consideration of printed bills, be suspended, at this time, for the purpose of considering House Bill No. 233.

The motion prevailed by the following vote:

Yeas—114

Allen	Crossley
Allison	Daniel
Alsup	Davis of Jasper
Bailey	Davis of Upshur
Baker of Grayson	Dean
Blankenship	Dickison
Bond	Donaghey
Boyd	Faulkner
Boyer	Ferguson
Bradbury	Fielden
Bradford	Galbreath
Bray	Gilmer
Bridgers	Goodman
Broadfoot	Gordon, Mrs.
Brown of Cherokee	Hamilton
Brown	Hankamer
of Nacogdoches	Hardeman
Burkett	Harp
Burney	Harrell of Bastrop
Cauthorn	Harris
Chambers	Heflin
Cleveland	Holland
Coleman	Howington
Colquitt	Hunt
Colson, Mrs.	Isaacks
Cornett	Johnson of Ellis

Johnson of Tarrant	Reader of Erath
Keith	Reaves
Kennedy	Reed
Kern	Riviere
Kerr	Roach
Kersey	Roberts
Kinard	Robinson
King	Russell
Langdon	Segrist
Lehman	Smith of Frio
Leonard	Smith of Hopkins
Little	Spencer
Lock	Stoll
Loggins	Talbert
London	Tarwater
McAlister	Taylor
McDaniel	Thornberry
McDonald	Thornton
McFarland	Turner
McMurry	Vale
McNamara	Vint
Monkhouse	Voigt
Montgomery	Waggoner
Morris	Weldon
Newell	Wells
Nicholson	Westbrook
Oliver	White
Pace	Wilson
Petsch	Wood
Piner	Worley
Pope	Wright
Reader of Bexar	

Absent

Anderson	Hull
Bundy	Leyendecker
Celaya	Mays
Clark	Mohrmann
Cockrell	Olsen
Corry	Pevehouse
Derden	Ragsdale
Dickson	Rhodes
Dwyer	Schuenemann
Felty	Shell
Fuchs	Skiles
Hale	Smith
Hardin	of Matagorda
Harper	Stinson
Harrell of Lamar	Tennant
Hartzog	Winfree
Howard	

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of Independent School Districts in counties having not less than 10,000 nor more than 20,000 population according to the last preceding Federal

Census, as established by the Act of the County Boards of School Trustees of such counties, and ratifying and confirming said Act of such Boards, and declaring an emergency."

The bill was read second time.

Mr. Allison offered the following committee amendment to the bill:

Amend House Bill No. 233 by adding the following:

Section I A. Provided further, this law shall not apply to any district, the organization or creation of which, or consolidation or annexation of any territory in or to such district was not submitted to a vote of the people, or petitioned by a majority of the qualified voters of such district or districts or territories affected thereby, or which is now involved in litigation, or the validity of the organization or creation of which or annexation or consolidation of territory in or to such district is attacked in any suit of litigation filed within forty-five (45) days after the effective date of this Act.

DICKSON.

The amendment was adopted.

Mr. Allison offered the following amendment to the bill:

Amend H. B. No. 233 by inserting an amendment to insert the word "consolidated" before the word "independent" wherever same appears in said bill and the caption.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 233 was then passed to engrossment.

HOUSE BILL NO. 209 ON SECOND READING

On motion of Mr. Davis of Jasper, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended, at this time, for the purpose of considering House Bill No. 209.

Mr. Davis of Jasper, moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 209 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Allen	Kern
Allison	Kerr
Alsup	Kersey
Bailey	Kinard
Baker of Grayson	King
Blankenship	Lehman
Bond	Leonard
Boyd	Leyendecker
Boyer	Little
Bradbury	Lock
Bradford	Loggins
Bray	London
Bridgers	McAlister
Brown of Cherokee	McDaniel
Brown	McDonald
of Nacogdoches	McFarland
Bundy	McMurry
Burkett	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Clark	Morris
Cleveland	Nicholson
Cockrell	Oliver
Coleman	Olsen
Colquitt	Pace
Colson, Mrs.	Pevehouse
Cornett	Pope
Crossley	Ragsdale
Davis of Jasper	Reader of Bexar
Davis of Upshur	Reader of Erath
Dean	Reaves
Derden	Reed
Dickison	Rhodes
Donaghey	Riviere
Faulkner	Roach
Felty	Roberts
Ferguson	Robinson
Fielden	Russell
Fuchs	Schuenemann
Galbreath	Shell
Gilmer	Smith of Frio
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hamilton	Stinson
Hankamer	Stoll
Hardeman	Talbert
Hardin	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Hartzog	Turner
Holland	Vale
Howard	Vint
Howington	Voigt
Hunt	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells
Johnson of Tarrant	White
Keith	Wilson
Kennedy	Winfree

Wood	Wright
Worley	
	Absent
Anderson	Langdon
Broadfoot	Mays
Chambers	Newell
Corry	Petsch
Daniel	Piner
Dickson	Segrist
Dwyer	Skiles
Harrell of Lamar	Smith of Hopkins
Harris	Tarwater
Heflin	Westbrook
Hull	

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 209, A bill to be entitled "An Act to validate, ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes heretofore made by county line independent school districts, partly situated in three or more counties, the supervision of said school being located in counties having a population not less than 17,000 nor more than 17,500, as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of Assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and

further providing that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character; or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

The bill was read second time.

Mr. Davis of Jasper offered the following amendment to the bill:

Amend Section 1, House Bill No. 209, so as to read as follows: "That all levies and assessments of ad valorem taxes heretofore made by the governing body of any county-line independent school district situated in three (3) counties, the supervision of said school being located in counties having a population of not less than seventeen thousand (17,000) nor more than seventeen thousand five hundred (17,500) shown by the last preceding Federal Census."

The amendment was adopted.

House Bill No. 209 was then passed to engrossment.

HOUSE BILL NO. 209 ON THIRD READING

The Speaker then laid House Bill No. 209 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—126

Allen	Cauthorn
Alsup	Chambers
Bailey	Clark
Baker of Grayson	Cleveland
Blankenship	Cockrell
Bond	Coleman
Boyd	Colquitt
Boyer	Colson, Mrs.
Bradbury	Cornett
Bradford	Corry
Bray	Crossley
Bridgers	Daniel
Broadfoot	Davis of Jasper
Brown of Cherokee	Davis of Upshur
Brown	Derden
of Nacogdoches	Dickson
Bundy	Donaghey
Burkett	Faulkner

Felty	Newell
Ferguson	Nicholson
Fuchs	Oliver
Gilmer	Olsen
Goodman	Pevehouse
Gordon, Mrs.	Pope
Hale	Ragsdale
Hamilton	Reader of Bexar
Hankamer	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harrell of Bastrop	Rhodes
Harrell of Lamar	Riviere
Holland	Roach
Howard	Roberts
Howington	Robinson
Hull	Russell
Hunt	Schuenemann
Isaacks	Segrist
Johnson of Ellis	Shell
Johnson of Tarrant	Smith of Frio
Keith	Smith of Hopkins
Kennedy	Smith
Kern	of Matagorda
Kerr	Spencer
Kersey	Stinson
Kinard	Stoll
King	Talbert
Langdon	Taylor
Lehman	Tennant
Leonard	Thornberry
Leyendecker	Thornton
Little	Turner
Lock	Vale
Loggins	Vint
London	Voigt
McAlister	Waggoner
McDaniel	Weldon
McDonald	Wells
McFarland	Westbrook
McMurry	White
McNamara	Wilson
Mohrmann	Winfree
Monkhouse	Wood
Montgomery	Worley
Morris	Wright

Absent

Allison	Harper
Anderson	Harris
Burney	Hartzog
Celaya	Heflin
Dean	Mays
Dickison	Pace
Dwyer	Petsch
Fielden	Piner
Galbreath	Skiles
Harp	Tarwater

Absent—Excused

Baker	Bell
of Fort Bend	Dowell

REPORT OF TEXAS HIGHWAY COMMISSION RELATIVE TO COUNTY AND DISTRICT ROAD INDEBTEDNESS

The following report, filed pursuant to Senate Concurrent Resolution No. 13, was submitted to the House:

County and District Road Indebtedness of Texas

January 6, 1939.

Honorable James V. Allred, Governor, and Members of the Forty-sixth Legislature of Texas.

Austin, Texas.

Gentlemen: Pursuant to Senate Concurrent Resolution No. 13, which directed the Texas Highway Commission and the Board of County and District Road Indebtedness to conduct, and cause to be conducted, an investigation of the ways and means of reducing, if possible, the annual burden of the present county and district road indebtedness in the State, by means of a comprehensive reorganization program of the debt structure, or by changes in methods of administration, or by such other means as may be found to be economical and feasible, consistent with the maintenance of the credit of the State of Texas, and of its political subdivisions, and which further directed the State Highway Commission and the Board of County and District Road Indebtedness to file a report, setting forth the findings and recommendations, with both Houses of the Legislature and the Governor of Texas, we submit herewith such report of our findings and recommendations.

Respectfully,

The Texas Highway Commission,
ROBERT LEE BOBBITT,
Chairman

JOHN WOOD,
Member

HARRY HINES,
Member

The Board of County and District Road Indebtedness,

JULIAN MONTGOMERY,
Chairman

GEO. H. SHEPPARD,
Member

CHARLEY LOCKHART,
Member

Report of the Texas State Highway Commission and the Board of County and District Road Indebtedness, to the Honorable James V. Allred, Governor, and Members of the Forty-sixth Legislature of Texas, of findings and recommendations relative to financing and retiring the outstanding county and district road bond indebtedness of all the counties of Texas, for the purpose of reducing ad valorem taxes and interest rates.

Under authority of Senate Concurrent Resolution No. 13, Second Called Session of the Forty-fifth Legislature, the Texas Highway Commission and Board of County and District Road Indebtedness have made an exhaustive survey of the highway financial structure—State, county and district. From the considerable amount of information and data collected, from studies made of the investigations, and from suggestions offered by interested persons and organizations, and particularly by the County Judges and Commissioners Association of Texas, a plan has been prepared for a rearrangement of the highway debt structure, which will permit the financing and retiring of the outstanding county and district road indebtedness of all the counties of Texas and contemplates a reduction of ad valorem taxes and interest rates. It is felt that any plan submitted in this report should cover only the fundamental features, and the working details of the plan should be submitted in a bill carefully prepared by the proper technical and legal assistance. The plan, briefly, is as follows:

(1) Allocate the one (1) cent gasoline tax, now being used for the payment of county road bonds expended on State Highways, to the annual debt service of all outstanding county and district road bonds of all the counties of Texas, by legislative enactment if possible, or by constitutional amendment, if necessary, for a period of twenty-five (25) years.

(2) Make as a first charge against the funds received from the one (1) cent gasoline tax described in (1) above, the annual debt service necessary for the road bonds that are eligible for reimbursement by the Board of County and District Road Indebtedness, with the understanding that the surplus, excess, or cash balance in the funds, following the payment of such annual

debt service, shall be used to pay, first two (2%) per cent of interest on the road bonds not eligible for payment by the Board of County and District Road Indebtedness, and second, all of the principal of such ineligible road bonds.

(3) That the Board for the County and District Road Indebtedness shall continue to supervise payment of the funds received from the 1c gasoline tax on the interest and principal of all county and district road indebtedness, and that said Board shall have such additional power and authority as may be mentioned hereafter and set out in detail in the statute legalizing this plan.

(4) That all bonds and warrants issued prior to January 1, 1939, for the purchase of right-of-way for roads and highways and for the construction of roads and highways in the State of Texas, be included in the amount eligible under this plan.

(5) The County Commissioners' Court shall continue to exercise the authority now conferred by law to call and refund bonds that are optional for payment for the purpose of reducing interest rates and of making such bonds mature in the years that it is contemplated the State can take care of such maturities. The Board of County and District Road Indebtedness, however, must approve the interest rates and maturities of said refunding bonds. The Board shall also have authority to invest surplus funds in bonds eligible for State participation.

(6) The county shall have the right to refund its outstanding road bonds for the purpose of making bonds mature in such years as the Board feels that can be paid for by the one cent gasoline tax and within the twenty-five year period. Such refunding must be approved by the Board as to maturities and interest rates and the costs thereof must be paid by the county. When the amount of refunding bonds involved totals \$25,000 or more the Board may require the county to advertise said bonds for sale and sell them in open competition to the highest and best bidder. All costs to be paid in connection with any refunding program involving county or road district bonds must be approved by the Board. All forms and bond transcripts and other documents necessary for such refunding shall be prepared

and furnished by the Attorney General.

Results Expected

The total amount of outstanding county and district road bond indebtedness on January 1, 1940, will be approximately \$193,800,000.00.

The present annual income from the 1c gasoline tax is approximately \$10,500,000.00. The surplus cash on hand with the Board for County and District Road Indebtedness as of January 1, 1939, and available for debt service, is approximately \$8,160,000.00; and probably will be \$9,250,000.00 by January 1, 1940. Accordingly, the total amount available for debt service for the year 1940 is expected to be \$19,750,000.00.

From 1940 to 1952, inclusive, the plan contemplates paying all of the principal and interest of the eligible bonds, 2% interest on the ineligible bonds, a portion of the principal of the ineligible bonds; and also to refund the remainder of the principal

due during that period. At the end of the 25-year period, namely on January 1, 1965, there would remain unpaid in principal and interest (figuring interest on ineligible bonds at 2%) the total amount of \$14,125,000; and there would be available for such payment the approximate amount of \$18,500,000.00. Due to the fact that all of the outstanding bonds will not mature in 25 years, or by January 1, 1965, the principal amount outstanding on that date must be refunded or purchased if possible, and if not possible, then the cash balance as of January 1, 1965, namely, \$18,500,000.00, could be invested in such manner that the principal, and 2% interest, of the outstanding bonds as of January 1, 1965, could be paid.

This plan is expected to reduce ad valorem taxes and also to reduce interest rates on future county bond issues.

The above discussion is based on the following exhibits:

EXHIBIT I

Table Showing Amount of Principal and Interest Payments on
County and District Road Bonds as of January 1,

Year	Total Principal	Eligible Principal	Ineligible Principal	Total Interest
1940	\$10,150,525.13	\$4,704,225.34	\$5,446,299.79	\$9,184,838.82
1941	10,342,378.50	4,865,184.54	5,477,193.96	8,710,541.10
1942	10,257,249.34	4,774,494.15	5,482,755.19	8,268,544.14
1943	10,732,222.99	5,582,181.32	5,150,041.67	7,824,552.11
1944	10,214,017.79	4,711,104.52	5,502,913.27	7,319,856.14
1945	9,730,463.00	4,807,201.37	4,923,261.63	6,860,316.10
1946	9,678,066.99	4,726,197.97	4,951,869.02	6,400,753.11
1947	10,113,851.45	4,919,117.12	5,194,734.33	5,923,474.11
1948	10,223,878.00	5,040,423.47	5,183,454.53	5,442,412.11
1949	9,688,995.47	4,724,992.96	4,964,002.51	4,923,181.11
1950	8,225,676.47	4,003,378.81	4,222,297.66	4,462,685.11
1951	8,090,779.67	3,988,924.14	4,101,855.53	4,056,898.11
1952	10,117,609.66	4,451,314.14	5,666,295.52	3,658,235.11
1953	8,347,279.66	3,631,702.46	4,715,577.20	3,188,585.11
1954	7,882,319.67	3,520,807.99	4,361,511.68	2,811,059.11
1955	6,245,729.66	2,705,574.25	3,540,155.41	2,432,413.11
1956	6,324,515.15	2,775,303.42	3,549,211.73	2,123,180.11
1957	5,611,799.67	2,304,056.05	3,307,743.62	1,815,609.11
1958	5,255,310.18	1,577,364.90	3,677,945.28	1,561,225.11
1959	4,344,699.67	2,962,333.85	1,382,365.82	1,320,074.11
1960	2,759,699.67	755,753.25	2,003,946.42	1,091,968.11
1961	1,925,199.66	476,979.40	1,448,220.26	964,384.11
1962	1,933,999.67	570,982.80	1,363,016.87	875,276.11
1963	1,709,199.67	454,853.00	1,254,346.67	771,952.11
1964	2,021,699.66	434,368.90	1,587,330.76	686,204.11
1965	4,338,181.86	770,609.01	3,567,572.85	522,583.11
1966	1,090,533.00	303,871.40	786,661.60	360,252.11
1967	1,474,233.00	314,727.20	1,159,505.80	307,901.11
1968	836,543.00	241,791.80	594,751.20	236,006.11
1969	658,000.00	123,309.00	534,691.00	199,942.11
1970	468,000.00	66,052.70	401,947.30	173,497.11
1971	286,500.00	4,593.80	281,906.20	152,757.11
1972	595,600.00	1,644.80	593,955.20	138,872.11
1973	2,163,500.00	36,188.80	2,127,311.20	109,370.11
1974	2,500.00	None	2,500.00	460.11
1975	3,000.00	None	3,000.00	360.11
1976	3,000.00	None	3,000.00	240.11
1977	3,000.00	None	3,000.00	120.11

Year	Cash Beginning of Year	Revenues	Available	Interest	State Princ
1940—(January 1)					
1940	\$9,250,000.00	\$10,500,000.00	\$19,750,000.00	\$4,172,749.59	\$4,704,2
1941	7,256,362.31	10,500,000.00	17,756,362.31	4,008,607.36	4,865,1
1942	5,263,939.47	10,500,000.00	15,763,939.47	3,779,552.97	4,774,4
1943	3,615,244.06	10,500,000.00	14,115,244.06	3,548,522.97	5,582,1
1944	1,752,260.11	10,500,000.00	12,252,260.11	3,262,590.37	4,711,1
1945	1,716,414.79	10,500,000.00	12,216,414.79	3,025,135.62	4,807,2
1946	1,911,637.27	10,500,000.00	12,411,637.27	2,776,870.78	4,726,1
1947	1,915,985.84	10,500,000.00	12,415,985.84	2,532,330.03	4,919,1
1948	2,248,128.08	10,500,000.00	12,748,128.08	2,283,972.88	5,040,4
1949	2,232,495.60	10,500,000.00	12,732,495.60	2,024,814.86	4,724,9
1950	3,034,572.76	10,500,000.00	13,534,572.76	1,790,378.93	4,003,3
1951	2,553,684.91	10,500,000.00	13,053,684.91	1,582,781.80	3,988,9
1952	2,479,737.94	10,500,000.00	12,979,737.94	1,389,884.53	4,451,3
1953	2,633,894.36	10,500,000.00	13,133,894.36	1,171,630.57	3,631,7
1954	1,829,960.65	10,500,000.00	12,329,960.65	989,973.94	3,520,8
1955	1,766,955.11	10,500,000.00	12,266,955.11	819,703.72	2,705,5
1956	1,598,040.03	10,500,000.00	12,098,040.03	685,292.69	2,775,3
1957	1,595,553.79	10,500,000.00	12,095,553.79	545,483.99	2,304,8
1958	1,556,575.79	10,500,000.00	12,056,575.79	439,899.22	1,577,3
1959	2,105,826.90	10,500,000.00	12,605,826.90	343,610.50	2,962,3
1960	795,526.15	10,500,000.00	11,295,526.15	219,955.97	755,7
1961	351,537.25	10,500,000.00	10,851,537.25	186,795.47	476,9
1962	945,287.78	10,500,000.00	11,445,287.78	159,737.07	570,9
1963	726,261.11	10,500,000.00	11,226,261.11	132,556.59	454,8
1964	946,475.25	10,500,000.00	11,446,475.25	109,089.48	434,3
1965	8,080,743.45	10,500,000.00	18,580,743.45	196,135.39	1,862,7
& sub					

*Payments of principal of amount refunded from 1940 to 1952 inclusive.

On motion of Mr. Keith, the reading of the report was ordered dispensed with, and same was ordered printed in the Journal.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 6, To provide parking area for Members of the Legislature.

H. C. R. No. 20, In memory of Dr. W. R. Newton.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 84, to the Committee on Counties.

Senate Bill No. 25, to the Committee on State Affairs.

Senate Bill No. 72, to the Committee on Game and Fisheries.

ADJOURNMENT

On motion of Mr. Loggins, the House, at 12:15 o'clock p. m., adjourned until 11:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Privileges, Suffrage and Elections: House Bill No. 71.

School Districts: House Bills Nos. 209 and 233.

Counties: House Bill No. 251.

Education: House Bill No. 201.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, January 25, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 20, In memory of Doctor W. R. Newton, Sr.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO GOVERNOR

January 25, 1939

House Concurrent Resolution No. 6.

House Concurrent Resolution No. 20.

In Memory of Dr. John H. Florence

Mr. Colquitt offered the following resolution:

H. S. R. No. 98, In memory of Dr. John H. Florence.

Whereas, On December 28, 1938, the Almighty in His infinite wisdom called home from our midst Dr. John H. Florence, of Houston, Texas; and

Whereas, Dr. John H. Florence served in the House of Representatives in the Thirty-ninth Legislature with distinction to himself and to his State; and

Whereas, He had devoted his life in the medical service to the people and served the people of Texas faithfully and loyally as Quarantine Officer at Sabine Pass and Galveston with such efficiency and distinction that Governor Pat M. Neff appointed him State Health Officer, and previously he had served the City of Dallas, Texas, as City Health Officer with distinction; and

Whereas, Dr. John H. Florence was born January 14, 1868, and throughout his seventy years of life, devoted himself to his friends and to the service of his profession and to the people of Texas, and was laid to rest at Mesquite, Texas, the place of his early childhood; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas express their sincerest and most profound sorrow in the passing of this noble friend and distinguished citizen; and, be it further

Resolved, That a copy of these resolutions be spread on the Journal of today in memory of Dr. John H. Florence and that a copy be sent to his esteemed wife and children surviving him.

COLQUITT,
HEFLIN.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celeya, Chambers, Clark, Cleveland, Cockrell, Coleman, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurphy, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Harper, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.